

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence for Application No. 10/774,352 is being electronically transmitted to Technology Center 1722, via EFS-WEB on October 23, 2006.

/William R. Allen/

William R. Allen, Reg. No. 48,389

October 23, 2006

Date

Applicants:	Scharninghausen et al.	Confirmation No.:	5252
Serial No.:	10/774,352		
Filed:	February 6, 2004		
Examiner:	Joseph S. Del Sole		
Art Unit:	1722		
Title:	PORTIONING DEVICE FOR FOODSTUFFS		
Attorney Docket:	ESN-45		

Cincinnati, OH 45202

October 23, 2006

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION AND FEE FOR EXTENSION OF TIME (37 CFR 1.136(a))

1. This is a petition for an extension of time to respond to the non-final Office Action mailed on June 23, 2006 for a period of one (1) month.
2. Applicant is
 - [X] a small entity
 - [] other than a small entity

3. Extension of

<u>(months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<u> X </u> one month	\$ 120.00	\$ 60.00
<u> </u> two months	\$ 450.00	\$225.00
<u> </u> three months	\$1,020.00	\$510.00
<u> </u> four months	\$1,590.00	\$795.00
<u> </u> five months	\$2,160.00	\$1,080.00

Fee \$60.00

4. Amendment

[X] is being filed herewith
[] has been filed on [

5. Fee Payment

[X] See electronic fee calculation sheet.

6. [] Charge extension fee of \$_____ to Deposit Account No. 23-3000. A duplicate of this petition is attached.

7. [X] Charge any additional extension fee required or credit any overpayment to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

/William R. Allen/

William R. Allen

Reg. No. 48,389

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